

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

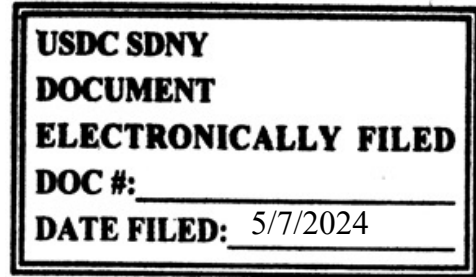
KAISER ALUMINUM WARRICK, LLC,

Plaintiff,

-against-

US MAGNESIUM, LLC,

Defendant.



Case No. 22-cv-03105-JGK-KHP

**SUPPLEMENT TO PROTECTIVE ORDER**

WHEREAS, on June 15, 2022, the Court entered a Protective Order (ECF No. 24) pursuant to Federal Rule of Civil Procedure 26(c) (“Protective Order”) to protect the confidentiality of certain nonpublic and confidential material exchanged pursuant to and during the course of discovery in this case (“Confidential Discovery Material”);

WHEREAS, unless otherwise indicated, all capitalized terms herein have the same meaning as in the Protective Order;

WHEREAS, to facilitate the sharing of information with the Parties’ respective insurers, the Parties, through counsel, agree to modify and supplement the Protective Order as follows:

1. Numbered paragraphs “1,” “5,” “9” and “17” of the Protective Order shall not apply to any insurer or reinsurer of the Parties, nor to the Insurers’ respective counsel, consultants or experts (collectively the “Insurers”).

2. Confidential Discovery Material, including, without limitation, any Confidential Discovery Material marked “Attorney’s Eyes Only,” may be disclosed by either Party to its Insurers for the sole purpose of enabling the Insurers to, (a) analyze the force majeure declarations made by US Magnesium, LLC and by Kaiser Aluminum Warrick, LLC (the “Force Majeure Declarations”), and the cause(s) and circumstances the led to the Force Majeure Declarations; (b) evaluate the

Insurers' respective contractual obligations (if any) under any policy of insurance issued to a Party, (c) determine the cause or causes of any loss claimed by a Party on account of either of the Force Majeure Declarations, and (d) consider, respond to, and if appropriate, evaluate and adjust, any insurance claim presented by any Party related to either of the Force Majeure Declarations.

3. Prior to any disclosure of any Confidential Discovery Material to any person referred to in paragraph 2 above, such person shall be provided with a copy of the Protective Order and this Supplement to Protective Order and shall sign a Non-Disclosure Agreement in the form annexed as an Exhibit hereto stating that that person has read this Protective Order and Supplement to Protective Order and agrees to be bound by their terms. Said counsel shall retain each signed Non-Disclosure Agreement, hold it in escrow, and produce it if requested to opposing counsel at the conclusion of the case.

4. The persons identified in paragraph 2 are not required to return or dispose of the Confidential Discovery Material that they receive but must continue to keep that information confidential and may not use it for any purpose other than those identified in paragraph 2 so long as they have such Confidential Discovery Material in their possession, custody, or control.

5. The provision of Confidential Discovery Material to any of the Insurers pursuant to this Supplement to Protective Order or otherwise does not waive any applicable privilege, nor does it subject such Confidential Discovery Material to any discovery obligation that is not already applicable in this action. nor does it extend any applicable deadline for discovery in this civil action.

SO STIPULATED AND AGREED.

Dated: April 15, 2024

/s/ Andrew B. Kratensteint

Andrew B. Kratenstein

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*Counsel for Defendant US Magnesium, LLC*

SO ORDERED:

Dated: 5/7/2024

\_\_\_\_\_  
New York

*Katharine H Parker*

\_\_\_\_\_  
Hon. Katharine H. Parker

United States Magistrate Judge

**UNITED STATES DISTRICT COURT  
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KAISER ALUMINUM WARRICK, LLC,

Plaintiff,

-against-

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I. \_\_\_\_\_, acknowledge that I have read and understand the Protective Order and Supplement to Protective Order in this action governing the non-disclosure of those portions of Discovery Material that have been designated as Confidential or Attorney's Eyes Only. I agree that I will not disclose such Confidential Discovery Material to anyone other than for the purposes listed in numbered paragraphs "2(a)" through "2(e)" of the Supplement to Protective Order. By acknowledging these obligations under the Protective Order, as amended, I understand that I am submitting myself to the jurisdiction of the United States District Court for the Southern District of New York for the purpose of any dispute arising under the Protective Order or Supplement to Protective Order, and that my willful violation of any term of the Protective Order could subject me to punishment for contempt of Court.

Dated: \_\_\_\_\_